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**Todd Tanaka**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

TODD TANAKA,

*Plaintiff,*

v.

UNITED PARCEL SERVICE, INC. and  
DOES 1 through 10, inclusive

*Defendant.*

**CASE NO. 3:22-CV-05476-TLT**

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO EXTEND  
DEADLINE FOR OPPOSITION TO  
SUMMARY JUDGMENT MOTIONS  
AND HEARING DATE**

Hearing Date: May 28, 2024

Time: 2:00 p.m.

Dept: Courtroom 9

Judge: Trina Thompson

Trial Date: July 28, 2024

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN  
DISTRICT OF CALIFORNIA:**

Pursuant to the Northern District of California Local Rule 7-12, the undersigned counsel of record for Defendant United Parcel Service, Inc. (“UPS” or “Defendant”) and Plaintiff Todd Tanaka (“Plaintiff”) submit this stipulation requesting that the Court extend the following deadlines by two weeks:

Defendant’s Response to Plaintiff’s Motion for Partial Summary Judgment from May 3, 2024 to May 17, 2024.

Plaintiff’s Response to Defendant’s Motion for Summary Judgment from May 7, 2024 to May 21, 2024.

Plaintiff’s Reply in Support of his Motion for Partial Summary Judgment from May 10, 2024 to May 24, 2024.

Defendant’s Reply in Support of its Motion for Summary Judgment from May 14, 2024 to May 28, 2024.

Hearing on Defendant’s Motion for Summary Judgment and Plaintiff’s Motion for Partial Summary Judgment from May 28, 2024 to June 11, 2024.

**I. Recitals**

On September 26, 2022, Plaintiff filed his Original Complaint against his former employer, Defendant UPS. (Dkt. No. 1.) Defendant filed its Answer on November 2, 2022. (Dkt. No. 13.) Plaintiff filed a Motion for Partial Summary Judgment on April 19, 2024. (Dkt. No. 54.) Defendant filed a Motion for Summary Judgment on April 23, 2024. (Dkt. No. 55.)

Pursuant to Northern District of California Local Rule 7-3(a), Defendant’s opposition to Plaintiff’s Motion for Partial Summary Judgment is due May 3, 2024 and Plaintiff’s opposition to Defendant’s Motion for Summary Judgment is due May 7, 2024. Pursuant to Local Rule 7-3(c), Plaintiff’s reply to Defendant’s opposition is currently due May 10, 2024 and Defendant’s reply to Plaintiff’s opposition is currently due May 14, 2024. The hearing on both motions is set for May 28, 2024.

1 The parties attended a second mediation on April 29, 2024. (Emadi Decl. at ¶ 8.) Though  
 2 the parties did not settle at mediation, both believe that good progress was made and are  
 3 continuing discussions with hopes of resolving the case. On April 30, 2024, the parties met and  
 4 conferred by telephone and agreed to seek the extension requested in this stipulation to allow  
 5 time to continue their settlement efforts and to avoid incurring further fees while parties  
 6 negotiate. (Emadi Decl. at ¶ 11.)

7 Thus, the new deadlines would be as follows:

- 8 - Defendant's Response to Plaintiff's Motion for Partial Summary Judgment: May 17,  
 9 2024.
- 10 - Plaintiff's Response to Defendant's Motion for Summary Judgment: May 21, 2024.
- 11 - Plaintiff's Reply in Support of his Motion for Partial Summary Judgment: May 24,  
 12 2024.
- 13 - Defendant's Reply in Support of its Motion for Summary Judgment: May 28, 2024.
- 14 - Hearing on Defendant's Motion for Summary Judgment and Plaintiff's Motion for  
 15 Partial Summary Judgment: June 11, 2024.

16 The requested time modifications should not have an impact on any other deadline in  
 17 this case.

## 18 **II. Stipulation**

19 Pursuant to the foregoing recitals, which are incorporated herein by reference, and  
 20 subject to the Court's approval, the Parties stipulate and agree as follows:

- 21 - Defendant's Response to Plaintiff's Motion for Partial Summary Judgment: May 17,  
 22 2024.
- 23 - Plaintiff's Response to Defendant's Motion for Summary Judgment: May 21, 2024.
- 24 - Plaintiff's Reply in Support of his Motion for Partial Summary Judgment: May 24,  
 25 2024.
- 26 - Defendant's Reply in Support of its Motion for Summary Judgment: May 28, 2024.
- 27 - Hearing on Defendant's Motion for Summary Judgment and Plaintiff's Motion for  
 28 Partial Summary Judgment: June 11, 2024.

1 IT IS SO STIPULATED.

2 DATED: April 30, 2024

3 Respectfully submitted,

4 /s/Laura C. Emadi

Laura C. Emadi

(admitted *Pro Hac Vice*)

**Attorney for Defendant**

7 /s/ Steven L. Derby w/permission

8 Steven L. Derby

**Attorney for Plaintiff**

~~**PROPOSED**~~ **ORDER**

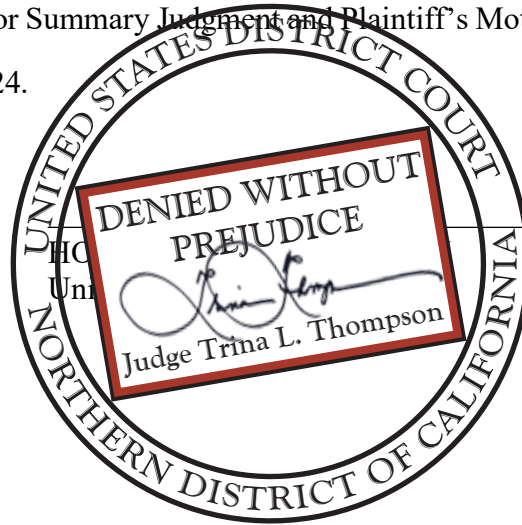
Pursuant to the above Stipulation, the following deadlines are hereby extended as follows:

- A. Defendant's Response to Plaintiff's Motion for Partial Summary Judgment: May 17, 2024.
- B. Plaintiff's Response to Defendant's Motion for Summary Judgment: May 21, 2024.
- C. Plaintiff's Reply in Support of his Motion for Partial Summary Judgment: May 24, 2024.
- D. Defendant's Reply in Support of its Motion for Summary Judgment: May 28, 2024.
- E. Hearing on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Partial Summary Judgment: June 11, 2024.

IT IS SO ORDERED

Dated: May 1, 2024

By:



ORDER re STIPULATION: The Stipulation is denied without prejudice. If the parties reach a settlement, all dates on the case schedule will be vacated.